

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JENNIE COURTNEY, ETC.,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 2:06-CV-00600-MHT
)	
ANTHONY CLARK, et al.,)	
)	
Defendants.)	

**DEFENDANTS COVINGTON COUNTY SHERIFF ANTHONY CLARK AND
COVINGTON COUNTY DEPUTIES JERRY EDGAR AND
WALTER INABINETT’S MOTION TO FILE OUT OF TIME**

COME NOW Covington County Sheriff Anthony Clark (“Sheriff Clark”), Covington County Deputy Sheriff Jerry Wayne Edgar (“Deputy Edgar”), and Covington County Deputy Sheriff Walter Inabinett (“Deputy Inabinett”), Defendants in the above-entitled action (hereafter, collectively, the “Defendants”), and, contemporaneously with their Objection to Motion to Amend Complaint (hereafter, the “Objection”), file this Motion to File Out of Time. As grounds therefore, Defendants show unto this honorable Court the following:

1. On February 12, 2007, the Plaintiff filed a Response in Opposition to these Defendants’ Motion to Dismiss which included, *inter alia*, a request to amend the Second Amended Complaint. (Doc. 71.) The Plaintiff’s filing did not include a proposed amended complaint or brief.
2. On February 13, 2007, the Court issued an Order requiring *all* briefs on the Plaintiff’s Motion to Amend to be filed no later than February 21, 2007. (Doc. 73.)
3. The Plaintiff did not file a brief in support of her Motion to Amend until the date of submission as set forth in the Court’s February 13, 2007 Order. (Doc. 75.)

4. The Plaintiff still has not filed a proposed Third Amended Complaint.

5. The undersigned counsel for the Defendants was out of his office and in other parts of the State from February 22, 2007 until February 24, 2007, and did not receive the Plaintiff's brief until February 26, 2007.

6. The undersigned prepared both an Opposition and the instant Motion to File Out of Time on the same day.

7. No party will be prejudiced by the Court granting this Motion. Sheriff Clark, Deputy Edgar, and Deputy Inabinett, however, will be grossly prejudiced in that if the Court grants the Plaintiff's Motion to Amend unopposed, they will be forced to undergo additional and unnecessary expenses in violation of the principles of immunity as explained fully in their contemporaneously filed Opposition.

WHEREFORE, THE ABOVE PREMISES CONSIDERED, Defendants Covington County Sheriff Anthony Clark, Deputy Jerry Edgar, and Deputy Walter Inabinett request that the Court grant the instant Motion and accept their Opposition to the Plaintiff's Motion to Amend.

Respectfully submitted, this 26th day of February, 2007.

s/Gary L. Willford, Jr.

DARYL L. MASTERS Bar Number: MAS018

GARY L. WILLFORD, JR. Bar Number: WIL198

Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 26th day of February, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Steven Keith Herndon, Esq., Matthew Y. Beam, Esq., Alan T. Hargrove, Esq., R. Brett Garrett, Esq., Bert P. Taylor, Esq.**

Additionally, the following parties have been served via United States Mail, postage-prepaid:

Oscar Roy Doster	James Darren Harnage	Darden Engineers
AIS 177168	AIS 239251	P.O. Box 126
P.O. Box 150	P.O. Box 150	Dadeville, Alabama 36853-
Mt. Meigs, Alabama 36057	Mt. Meigs, Alabama 36057	0126

s/Gary L. Willford, Jr.
OF COUNSEL